

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

An initial hearing on supervised release revocation in this case was scheduled before me on October 21, 2011. The United States was represented by AUSA Kathryn Frierson and the defendant by Walter Palmer. The proceedings were digitally recorded.

Defendant had been sentenced on or about March 12, 2007 by the Honorable James L. Robart on a charge of Conspiracy to Commit Identity Theft, and sentenced to 30 months custody, three years supervised release.

The conditions of supervised release included the standard conditions plus the requirements that defendant participate in drug treatment, abstain from alcohol, pay restitution in the amount of \$35,055, provide his probation officer with access to financial information as

01 requested, be prohibited from incurring new credit charges or opening new lines of credit, and
02 be prohibited from possessing identity documents in any but his true identity. (Dkt. 40.)

03 On January 29, 2009, defendant was ordered to participate in a mental health program.
04 (Dkt. 45.) On June 3, 2010, defendant's probation officer reported that defendant had violated
05 the condition of supervised release by using methamphetamine. Defendant was reprimanded,
06 referred for professional assessment, and testing frequency was increased. (Dkt. 50.)

07 On February 22, 2011, defendant was sentenced to three months custody, two years
08 supervised release for violating the conditions of supervised release by using
09 methamphetamine. (Dkt. 62.) On September 1, 2011, defendant's probation officer reported
10 that defendant had violated the conditions of supervised release by using methamphetamine.
11 He was referred for professional assessment to a community based residential program for
12 intensive outpatient treatment, and testing frequency was increased. (Dkt. 63.)

13 In an application dated October 12, 2011 (Dkt. 64, 65), U.S. Probation Officer Andrew
14 J. Lorenzen alleged the following violations of the conditions of supervised release:

15 1. Using methamphetamine on or about September 21 and 30, 2011 in violation of
16 standard condition 7.

17 2. Using opiates (hydrocodone) on or about September 30, 2011 in violation of
18 standard condition 7.

19 3. Failing to report for drug testing as directed on September 19, 2011 in violation
20 of the special condition.

21 Defendant was advised in full as to those charges and as to his constitutional rights.

22 Defendant admitted violations and waived any evidentiary hearing as to whether they

01 occurred. (Dkt. 66.)

02 I therefore recommend the Court find defendant violated his supervised release as
03 alleged in violations 1-3, and that the Court conduct a hearing limited to the issue of disposition.

04 The next hearing will be set before Judge Robart .

05 Pending a final determination by the Court, defendant has been detained.

06 DATED this 21st day of October, 2011.

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12 Mary Alice Theiler
13 United States Magistrate Judge
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cc: District Judge: Honorable James L. Robart
AUSA: Kathryn Frierson
Defendant's attorney: Walter Palmer
Probation officer: Andrew J. Lorenzen